

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MEGAN BURKE, )  
                    )  
Plaintiff,       )  
                    )  
vs.               )     Case No. 4:19-CV-2560-SPM  
                    )  
ANDREW SAUL,     )  
Commissioner of Social Security,     )  
                    )  
                    )  
Defendant.       )

**MEMORANDUM OPINION**

This case is before the Court on Commissioner Andrew Saul’s (“the Commissioner’s”) Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 22). Plaintiff has not responded to the motion. The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 9).

On September 13, 2019, Plaintiff filed a Complaint seeking review of the Commissioner’s decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). The Commissioner filed his answer and the transcript of the administrative proceedings on November 20, 2019. (Docs. 14, 15). Plaintiff filed a brief in support of the complaint on January 15, 2020. (Doc. 18).

On March 9, 2020, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The Commissioner represents in his

motion that upon review of the record, agency counsel determined that remand was necessary for further evaluation of Plaintiff's claim. The Commissioner states that “[o]n remand, the Commissioner will fully evaluate the opinion of Timothy G. Graven, D.O., in accordance with 20 C.F.R. § 404.1520c, and cite substantial evidence in the record for the mandatory evaluation factors of consistency and supportability. The Commissioner will also offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision.” (Doc. 22, at 1).

Upon review of Plaintiff's brief in support of the complaint, the ALJ's decision, and the Commissioner's motion, the Court agrees with the parties that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

**IT IS HEREBY ORDERED** that the Commissioner's Motion to Reverse and Remand (Doc. 22) is **GRANTED**.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.



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SHIRLEY PADMORE MENSAH  
UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of April, 2020.